

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RONNIE TOWNSEND

Plaintiff,

CAPTAIN "ATWOOD", ET AL.

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CASE NO. 2:06-CV-564-MHT-CSC

ANSWER OF DEFENDANT

COMES NOW Defendant Willie Copeland, by and through the undersigned counsel, and
for his Answer to the above-styled action, states as follows:

Defendant denies each and every material allegation made in the Complaint, and demands strict proof thereof.

Defendant denies that he violated any of the Plaintiff's constitutional rights.

Defendant denies that he violated the Plaintiff's due process rights.

Defendant denies that he caused or allowed to continue any unconstitutional condition of the Plaintiff's confinement.

Defendant denies that he conspired, retaliated or discriminated against the Plaintiff in any way.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a claim upon which relief may be granted.

The Plaintiff's claims are barred by the statute of limitations.

Defendant is entitled to state agent immunity.

Defendant is entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

The Defendant is immune from suit under the Eleventh Amendment to the United States Constitution.

The Defendant is immune from suit due to qualified immunity.

Respectfully submitted,

TROY KING
Attorney General

/s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 7th day of August, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Ronnie Townsend, AIS# 121142
Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35023-7299

/s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General